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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 COLEMAN, ET AL.,
15 Defendant.
16

CASE NO. 2:02-CR-287-JAM
MOTION AND ORDER TO ASSIGN AND
DISBURSE RESTITUTION

17 The United States of America, by counsel, respectfully requests that the Court order the Clerk of
18 the United States District Court to assign restitution and disburse the restitution funds already collected
19 and to be collected in the future, if any, in this case to Mrs. Irma Herrmann, for the reasons set forth
20 below.

21 On October 7, 2003, the Court entered a Judgement, which ordered defendant Joseph L. Norris
22 to pay restitution in the amount of \$100,000 to "Brusch Family Trust." Exhibit 1 at 6. Undersigned
23 counsel is informed that the Clerk of the Court attempted to previously pay out \$1,033.71 to the "Brusch
24 Family Trust", which was not claimed. Mrs. Irma Herrmann attested to undersigned counsel that she
25 returned the check.

26 Mrs. Irma Herrmann provided an affidavit affirming that the Mr. Erwin Brunsch was the sole
27 trustee and beneficiary of the trust, which was actually named "Brunsch Family Trust". Exhibit 2. In
28 this affidavit, Mrs. Irma Herrmann also attested that Mr. Erwin Brunsch had dissolved the trust several

1 years prior to his death on September 14, 2018. *Id.* Mrs. Irma Herrmann further provided
2 documentation evidencing that Mr. Erwin Brunsch had passed away (provided to the Court for *in*
3 *camera* review as Exhibit 2-A) and that she was the successor to his estate, including any residual
4 interests or proceeds due to the Brunsch Family Trust (provided to the Court for *in camera* review as
5 Exhibit 2-B).

6 18 U.S.C. § 3663(a)(2) provides: “In the case of a victim who is under 18 years of age,
7 incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s
8 estate, another family member, or any other person appointed as suitable by the court, may assume the
9 victim’s rights under this section, but in no event shall the defendant be named as such representative or
10 guardian.”

11 In light of Mr. Erwin Brunsch’s death, and pursuant to 18 U.S.C. § 3663(a)(2), the government
12 requests that any restitution proceeds currently available and any future restitution proceeds due to the
13 Brusch Family Trust be assigned and paid out to Mrs. Irma Herrmann.

14
15 Dated: August 11, 2020

McGREGOR W. SCOTT
United States Attorney

17 By: /s/ TANYA B. SYED
18 TANYA B. SYED
Assistant United States Attorney

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ORDER

This matter is before the Court on the government's motion requesting that the Clerk of the Court assign restitution and be directed to pay the restitution currently in the Clerk's registry with regards to the Bruschi Family Trust to Mrs. Irma Herrmann.

The Court, having considered the motion of the United States, now finds that the motion should be, and hereby is, GRANTED.

IT IS HEREBY ORDERED that the financial unit for the U.S. District Court Clerk's Office for the Eastern District of California is directed to pay any restitution currently available and any future proceeds due to the Bruschi Family Trust to Mrs. Irma Herrmann.

DATED: August 11, 2020

/s/ John A. Mendez
HON. JOHN A. MENDEZ